

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Mary Ann Whipple  
United States Bankruptcy Judge

Dated: November 26 2014

**THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**In re:**

**Christina M. Barnes  
and  
Christopher G. Barnes,  
Debtors**

**Case No. 13-34437 (MAW)**

**Chapter 7**

**JUDGE MARY ANN WHIPPLE**

**AGREED ORDER UPON UNITED STATES TRUSTEE'S MOTION TO DISMISS CASE  
PURSUANT TO 11 U.S.C. § 707(a) WITH PREJUDICE**

Subject to Court approval, the United States Trustee, Daniel M. McDermott, and Christina M. & Christopher G. Barnes submit this Agreed Order upon the United States trustee's *Motion to Dismiss Case Pursuant to 11 U.S.C. § 707(a) with Prejudice*.

**Recitals**

1. Plaintiff, Daniel M. McDermott ("U.S. Trustee") is the duly appointed United States Trustee for Region 9 pursuant to 28 U.S.C. § 581(a)(3).

2. The U.S. Trustee maintains a place of business at the U.S. Department of Justice, Office of the U.S. Trustee, H.M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Suite 441, Cleveland, Ohio 44114, which is within the Northern District of Ohio.

3. Pursuant to 28 U.S.C. § 586(a)(3), the U.S. Trustee is mandated to monitor the administration of cases commenced under the Bankruptcy Code, 11 U.S.C. §§101 et seq.

4. Pursuant to 11 U.S.C. § 707 and § 307, the U.S. Trustee has standing to be heard on this matter.

5. This Court has jurisdiction pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 707, and the general order of reference in this District.

6. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (I).

7. Venue in this Court is proper pursuant to 28 U.S.C. § 1409(a) and 11 U.S.C. § 707.

8. Christina M. & Christopher G. Barnes (“Debtors”) filed their voluntary chapter 7 petition for relief on October 24, 2013.

9. On September 9, 2014, the U.S. Trustee filed a motion to dismiss case pursuant to 11 U.S.C. § 707(a) with prejudice.

10. The prejudice sought by the U.S. Trustee was a dismissal with the condition that none of the debts listed in Debtors’ bankruptcy schedules, as well as any debt that could have been listed in the schedules, be dischargeable in any subsequent bankruptcy case.

11. After discussions between the U.S. Trustee and Debtors, the parties agree to the following to resolve this matter:

- **The U.S. Trustee and Debtors hereby agree that Debtors’ case shall not be dismissed.**

- **The U.S. Trustee and Debtors further agree that the debts of the following creditors listed in Debtors' Bankruptcy Case No. 13-33437 are excepted from and shall not be discharged in this bankruptcy case or any subsequent bankruptcy case:**

- Gregory Bonnell
- Scott & Kelley Dukeshire
- Margaret Greer
- Kirk Ludwig
- Ronald & Helena McPherson
- Phil & Karen Novotny
- James Pudlicki
- Jim Seibold
- Dawanna Siverhus
- Linda & Ralph Sturgill
- Carol Van Tuinen
- State of Ohio Attorney General Mike DeWine

- **The U.S. Trustee and Debtors also agree that any unscheduled claim of a creditor, whose claim arises from not receiving contracted services from Barnes Construction Companies, Inc., Christina M. Barnes or Christopher G. Barnes, shall not be discharged in this bankruptcy case or any subsequent bankruptcy case.**

12. By their signatures hereon, Debtors acknowledges they have read and reviewed this Agreed Order with counsel, that they understand this Agreed Order, understand the consequences of the Agreed Order, and sign this Agreed Order knowingly, willingly and voluntarily.

# # #

**Submitted by:**

/s/Derrick V. Rippy

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/s/Christina M. Barnes

Christina M. Barnes

/s/Christopher G. Barnes

Christopher G. Barnes

### **Certificate of Service**

A true and correct copy of the *Agreed Order* was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Derrick V. Rippy, on behalf of the Daniel M. McDermott, United States trustee, at, [Derrick.V.Rippy@usdoj.gov](mailto:Derrick.V.Rippy@usdoj.gov)
- Edward Lee Schimmel, on behalf of Christina M. & Christopher G. Barnes, Debtors at [Schimmel@Northwoodlaw.net](mailto:Schimmel@Northwoodlaw.net)

Regular U.S. Mail, postage prepaid, on:

- Christina M. & Christopher G. Barnes, 7862 Braeburn Ct., Holland, Ohio 43528
- Gregory Bonnell, 5401 Pickle Road, Oregon, Ohio 43616
- Scott & Kelley Dukeshire, 3221 State Route 19, Oak Harbor, Ohio 43449
- Margaret Greer, 2241 Meadowwood Drive, Toledo, Ohio 43606
- Phil & Karen Novotny, 614 W. Linden Avenue, Gibsonburg, Ohio 43431
- James Pudlicki, 3524 Robin Road, Toledo, Ohio 43623
- Kirk Ludwig, 7069 Apple Creek Road, Sylvania, Ohio 43560
- Ronald & Helena McPherson, 1543 W. Ranch Road, Temperance, Michigan 48182
- Jim Seibold, 27194 W. River Road, Perrysburg, Ohio 43551
- Dawanna Siverhus, 9167 East Happy Hollow Drive, Scottsdale, Arizona 85262
- Linda & Ralph Sturgill, 245 Rector Avenue, Findlay, Ohio 45840
- Megan E. McNulty, Associate Assistant Attorney General, Office of the Ohio Attorney General, Consumer Protection Section, One Government Center, Suite 1340, Toledo, Ohio 43604
- Erin Hall, Investigator, Office of the Ohio Attorney General, Consumer Protection Section, One Government Center, Suite 1340, Toledo, 43604
- Ohio Attorney General Mike DeWine, 30 East Broad Street, Suite #14, Columbus, Ohio 43215

*/s/Deputy Clerk of Court*  
Deputy Clerk of Court